

866.40842PX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 15 1107 - 6

Applicants:

Miodrag CEKIC, et al.

US PATENT & TRADIZIMARK

Serial No.:

10/632,893

Filed:

August 4, 2003

Title:

APPARATUS FOR AND METHOD OF TREATING A FLUID

Group:

2881

Examiner:

Johnston, Phillip A.

Confirmation No.:

2897

REQUEST FOR REFUND

Mail Stop: 16

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

October 5, 2005

Sir:

A Terminal Disclaimer was filed, in connection with the above-identified patent application, in the U.S. Patent and Trademark Office on September 22, 2005, along with a Credit Card Payment Form (PTO-2038) authorizing the charge of \$260.00. However, the statutory fee for the submission of one (1) Terminal Disclaimer is \$130.00. Accordingly, Applicants petition for the credit of the \$130.00 overpayment.

Please credit the amount of \$130.00 to the deposit account of Antonelli, Terry, Stout & Kraus Deposit Account No. 01-2135 (Case:866.40842PX1).

Respectfully submitted.

ANTONELLI, TERRY, STOUT & KRAUS, LLP

Donald E. Stout

Registration No. 26,422

DES/vvr (703) 312-6600

PTC/SB/28 (08-09)
Approved for use through 07/31/2008, CMB 0861-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Popenyorit Reduction Act of 1985, no persons are required to respond to a collection of information unless it displays a valid CMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A PRIOR PAYENT**

868.40842PX1

In re Application of:

Application No.: 10/632,893

Filed: 8/4/2003

FOI: APPARATUS FOR AND METHOD OF TREATING A FLUID

RECEIVED CENTRAL FAX CENTER

SFP 2.2 2005

The owner, Fusion UV Systems, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,614,028. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

in making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 164 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. Tor submissions on behalf of an organization (e.g., corporation, partnership, university, government agency. etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may Jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

09/23/2005 TL0111 00000034 012135 10632893

769.00 DA

260.00 OP

Donald E. Stout Reg. No. 26,422

Typed or printed name

(703) 312-6600

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card Information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3,73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which it to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burson, should be sent to the Chief Information Officer, U.S. Patent and Tradement Office, U.S. Dependent of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Myou need assistance in completing the form, cell 1-800-PTO-8199 and select option 2.

Adjustment date: 11/21/2005 SDIRETAI 09/23/2005 TI 0111 00000034 440135

09723/2005 TL0111 00000034 012135

10632893

02 FC:1814 260.00 CR

1/21/2005 SDIRETRI 00000017 012135

09/22/2005

Oate

PAGE 10/10 * RCVD AT 9/22/2005 3:34:26 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/29 * DNIS:2738300 * CSID:703 312 6666 * DURATION (mm-ss):02-44